IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 694 OF 2005

Shri Balasaheb Annasaheb Dhavale ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri M.S. Mohite for the Applicant.
Shri R.Y. Mirza, APP for Respondent - State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 09,2005.

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. It is not in dispute that the incident in question took place on 10th of January, 2005 at about 15.30 hours. Applicant is relying on a circumstance to suggest that at the relevant time he was not on the scene of offence but undergoing treatment in Primary Health Centre at Pimpalner, Tal. Madha between 2.10 p.m. to 6.40 p.m.. This fact is supported by the certificate issued by the medical officer of the said hospital dated 10th January, 2005. It is seen that the investigating officer has recorded the statement of the concerned doctor, who has reiterated that

position. If it is so, prima facie, there is substance in the stand taken by the applicant that the applicant was no where near the scene of the offence at the relevant time but was undergoing treatment in the said primary health centre. If it is so, there is substance in the argument of the applicant that the applicant has been falsely implicated on account of political rivalry. In the circumstances, the applicant deserves to be granted anticipatory bail on the following conditions :-

(a) The Applicant is granted anticipatory bail in connection with C.R.No. 7/2004, registered with Tembhurni Police Station, Dist. Solapur on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five thousand only) with one or two local sureties in the like amount.

(b) The Applicant shall abide by the conditions provided for under section 438(2) of the Cr.P.C. as application to the State of Maharashtra, as condition for anticipatory bail.

3. Ordered accordingly.

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